

## FACT SHEET

### Proposed Rule: TSCA Inventory Update Reporting Modifications

#### **What Action is EPA Taking?**

EPA is proposing to amend the reporting requirements of the Toxic Substances Control Act (TSCA) Inventory Update Reporting (IUR) rule. The IUR rule requires manufacturers (including importers) of certain chemical substances listed on the TSCA Inventory of Chemical Substances to report information about the manufacturing (including import), processing, and use of those chemical substances. The proposed rule would provide improved information for EPA to better identify and, where appropriate, take steps to manage risks associated with chemical substances.

#### **Why Is EPA Proposing to Modify the IUR Rule?**

EPA is proposing to modify the IUR rule to meet four primary goals: (1) Tailor the information collected to better meet the Agency's overall information needs; (2) Increase its ability to effectively provide public access to the information; (3) Obtain new and updated information relating to potential exposures to a subset of chemical substances listed on the TSCA Inventory; and (4) Improve the usefulness of the information reported.

#### **Who Would Be Required to Report?**

You may be affected by this action if you manufacture (including import) chemical substances and mixtures listed on the TSCA Inventory in volumes of 25,000 lb. or more during the principal reporting year (i.e., calendar year 2010). Potentially affected entities may include, but are not limited to:

- Chemical manufacturers and importers (NAICS code 325 and 324110; e.g., chemical manufacturing and processing and petroleum refineries)
- Chemical users and processors who may manufacture a byproduct chemical substance (NAICS codes 22, 322, 331, and 3344; e.g., utilities, paper manufacturing, primary metal manufacturing, and semiconductor and other electronic component manufacturing)

#### **What Are Some of the Proposed Changes?**

##### Reporting Information to EPA

- Require use of the electronic reporting software to submit all IUR information.
- Require reporting if the production volume of a chemical substance met or exceeded the 25,000 lb. threshold in any calendar year since the last principal reporting year (proposed method would be effective after the 2011 submission period).

##### Manufacturing-related Information

- Require the reporting of certain manufacturing data elements, including:
  - Whether an imported chemical is physically at the reporting site.
  - The volume of the chemical substance directly exported and not domestically processed or used.
  - Whether a manufactured chemical, such as a byproduct, is being recycled, remanufactured, reprocessed, reused, or reworked.

- Require reporting of production volume for all years since the previous principal reporting year (i.e., 2005).

#### Processing and Use-related Information

- Eliminate the 300,000 lb. threshold for processing and use information, thereby requiring all reporters of non-excluded substances to report information in all parts of the IUR Form U.
- Revise the list of industrial function categories for the reporting of processing and use information and replacing the five-digit North American Industrial Classification System (NAICS) codes with 48 Industrial Sectors (IS).
- Revise the list of consumer and commercial product categories for the reporting of consumer and commercial use information.
- Require upfront substantiation when processing and use information is claimed as confidential business information (CBI).

#### Other Proposed Changes

- Change the reporting frequency from every five years to every four years.
- Eliminate the 25,000 lb. threshold for certain chemical substances that are the subject of particular TSCA rules and/or orders and to require manufacturers (including importers) of such chemicals to report under the IUR rule, regardless of the production volume.
- Make chemical substances for which an enforceable consent agreement (ECA) to conduct testing has been made under 40 CFR part 790 ineligible for exemptions, to provide a full exemption from IUR requirements for water, and to remove polymers that are already fully exempt from the partially exempt list of chemicals.

#### **Are Any Chemicals Exempt?**

Certain chemicals – naturally occurring substances, microorganisms, polymers, certain forms of natural gas, and water – are exempt unless they are subject to another TSCA rule. In addition, certain chemicals are partially exempt, and manufacturers of such chemicals are only required to report identification and manufacturing information for those chemicals. The partially exempt chemicals are listed in the IUR regulations at 40 CFR 711.6(b).

#### **When is Reporting Required?**

The 2011 submission period, during which 2010 manufacturing, processing and use and 2006-2009 production volume information would be reported, is scheduled to occur from June 1 to September 30, 2011.

#### **Will EPA Provide Reporting Instructions?**

EPA will provide guidance materials to submitters prior to the start of the 2011 IUR submission period. Two draft documents that provide detailed instructions for reporting chemical information, including the requirements for reporting byproduct chemicals, are included in the docket (EPA-HQ-OPPT-2009-0187) for the proposed rule.

#### **For More Information:**

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Websites: [www.epa.gov/iur](http://www.epa.gov/iur) and <http://www.regulations.gov>  
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